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<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/791,964	LUI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Gregory A. DiStefano	2176	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- 1. ☒ This communication is responsive to applicant's 8/24/2007 amendment and 11/7/2007 examiner's amendment.
- 2. ☒ The allowed claim(s) is/are 40,42-49 and 51.
- 3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  - 1. ☐ Certified copies of the priority documents have been received.
  - 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

- 4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  - 5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
- 6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

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|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____  |



DOUG HUTTON

**SUPERVISORY PATENT EXAMINER**

**Examiner's Amendment**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Robert Kalinsky (Reg. No. 50,471) on 11/5/2007.
3. The application has been amended as follows:

**In the Claims:**

40. (Currently Amended) A method in a computing system for modifying a user interface displayed on a display device, the method comprising:

receiving an indication from the computing device to modify the user interface of a first currently running application;

in response to receiving the indication, activating a second application, separate from the first currently running application, wherein the second application modifies the user interface of the first currently running application by:

displaying an identification block identifying the first currently running application;

displaying a record toolbar;  
displaying a notepad; and  
displaying a note tab, wherein the record toolbar, the notepad, and the  
note tab are all displayed within the user interface of the first currently running  
application.

42. (Original) A method according to claim 40, wherein the step of displaying a record toolbar includes displaying a record button, a stop button, a play button, a fast forward button, and a rewind button.

43. (Original) A method according to claim 42, wherein the step of displaying a record toolbar further includes displaying a status bar indicating a relative length of a recording.

44. (Currently Amended) A method according to claim 40, wherein the step of displaying the note pad includes displaying both text data and an icon referring to an embedded voice note.

45. (Currently Amended) A method according to claim 40, wherein the step of displaying a note tab includes displaying the note tab to provide an indication to a user that the user is in a record portion of the first currently running application.

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46. (Currently Amended) A display device having rendered thereon a user interface for displaying an embedded voice note, ~~comprising~~ wherein the user interface comprises:

a user interface displayed by a first currently running application, wherein the user interface is modified via a second application that is separate from the first currently running application, to display:

an identification block;

a record tool bar;

a note pad defining an area in which both text data and an icon are positioned, wherein the icon refers to an embedded voice note, and wherein the voice note is playable by selecting the icon; and

a note tab.

47. (Currently Amended) A display device according to claim 46, wherein the identification block includes information regarding ~~[[a ]]~~ the first currently running application.

48. (Currently Amended) A display device according to claim 46, wherein the record tool bar includes a record button, a stop button, a play button, a fast forward button, and a rewind button.

49. (Original) A display device according to claim 48, wherein the record toolbar further includes a status bar indicating a relative length of a recording.

51. (Currently Amended) A display device according to claim 46, wherein the note tab includes an indication to a user that the user is in a record portion of ~~[[a ]]~~the first currently running application.

***Allowable Subject Matter***

4. Claims 40, 42-49, and 51 are allowed.

5. The following is an examiner's statement of reasons for allowance: The incorporation of the limitation of "a user interface displayed by a first currently running application, wherein the user interface is modified, via a second application that is separate from the first currently running application" into independent claims 40 and 46 renders moot the anticipation rejections of Snell (US 5,749,908). Upon consideration of the anticipation rejections in view of Snell, as applied to the presently amended claims, Snell fails to teach, disclose or suggest that the application which is to be used to modify a currently running application, is a separate application to that of the currently running application. None of the prior art of record, in particular Snell, teach, disclose, or suggest that the application being used to create and embed a voice annotation to a currently running application, is an independent application, operating alongside of the application that a voice annotation is to be added to. Accordingly, the present claims, and all dependents thereof, are found to be allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Covington et al. (US 5,524,193), interactive multimedia annotation method and apparatus.
- Doll, Jr. et al. (US 5,351,276), digital/audio interactive communication network.
- Hou et al. (US 5,838,313), multimedia-based reporting system with recording and playback of dynamic annotations.
- Wilcox et al. (US 5,970,455), system for capturing and retrieving audio data corresponding hand-written notes.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory A. DiStefano whose telephone number is (571)270-1644. The examiner can normally be reached on 7:30am-5:00pm Mon.-Thurs.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on (571)272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GAD  
11/7/2007

A handwritten signature in black ink, appearing to read 'D. Hutton', with a stylized flourish at the end.

**DOUG HUTTON**  
**SUPERVISORY PATENT EXAMINER**